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*The Treaties of 1785, 1799, and 1828 between the United States and Prussia as interpreted in Opinions of Attorneys General, Decisions of Courts, and Diplomatic Correspondence.* Edited by JAMES BROWN SCOTT. [Carnegie Endowment for International Peace, Division of International Law.] (New York: Oxford University Press. 1918. Pp. viii, 207. \$2.00.)

*The Armed Neutralities of 1780 and 1800, a Collection of Official Documents preceded by the Views of Representative Publicists.* Edited by JAMES BROWN SCOTT. [*Id.*] (*Ibid.* 1918. Pp. xxxi, 698. \$5.00.)

WITH these two volumes the Carnegie Endowment for International Peace continues its very practical peace work by presenting to the public in general and students of international relations in particular a summary of the relevant authoritative information on two subjects of diplomatic history which has not hitherto been available in concise form in larger libraries and is not at all to be had in the smaller institutional library.

Treaty relations between the United States and Germany had been so smooth and unruffled, because of the lack of pressure of any large issue, that the existence of the archaic treaties of 1785, 1799, and 1828 had been forgotten or unnoticed by nearly everyone except the international lawyer until the period of American neutrality arrived in 1914, when the public suddenly awoke to the fact of their existence and the remarkable provisions written into their articles. Judged by the principle of *rebus sic stantibus* these treaties long ago would have become extinct; the most remarkable thing about them is that up to the very end both governments have acknowledged their binding validity; and that article XII. of the treaty of 1828 provides for the express contingency of war between the high contracting parties, notwithstanding the general principle of abrogation of treaties automatically upon the outbreak of war between the parties. Much of the space devoted to decisions of American courts deals with the acknowledgment by the two governments of the continuation of the treaty after the federation of the German Empire on the pedestal of Prussia.

In compiling these treaties in such handy form Dr. Scott has done for us another great service. The volume will be extremely useful for reference in the thousands of cases that will arise in the immediate future over the claims of American citizens against the imperial German government for damages arising out of illegal naval warfare. In this regard it is almost essential for the lawyer dealing with international claims, as well as for the teacher of contemporary history.

Certain minor details of the editing are puzzling. In general the work is very carefully done, and the reader is grateful for the presentation, in English and French in parallel columns, of the original drafts of the several treaties, the copies on file in the archives of the Department

of State being cited as authority for the accuracy of the text here given in printed form. Article XII. of the treaty of 1828, renewing articles XIII.-XXIV. of the treaty of 1799, refers to the last paragraph of article XIX. of the latter treaty, which paragraph is not to be renewed. Turning to the article in question the reader finds that the English text has but one paragraph, while the French has two, the division into paragraphs in this instance being a matter of utmost importance. A note by the editor on this apparent discrepancy in the original documents would be helpful. Typographical errors occur in but very few cases, as in the sixth and thirty-first lines on page 125. For the purposes of the average reader a more uniform arrangement of the summaries of the court cases, and of the labelling of their jurisdiction, might be asked by the over-critical reviewer.

When edited, the volume on *The Armed Neutralities of 1780 and 1800* bade fair to enjoy a timeliness of interest equal to that since claimed by the work mentioned above. The rapid procession of events and march of opinion between the day of Mr. Wilson's "armed neutrality" address to Congress, February 26, 1917, and the momentous sixth day of April relegated the subject of armed neutrality back to its old position of academic interest and the curiosity of historical scholars and international lawyers. Thoughts of armed neutrality in February, 1917, proved only a flash in the international pan—flintlock opposition to modern artillery. There has been no armed neutrality since 1800. Will there ever be another? The brief rise into public attention of the subject produced this convenient compilation, for which the student of the revolutionary wars and America may be profoundly thankful. Before Dr. Scott brought together in such handy form this collection of authorities and documents, they were scarcely available, all of them, even in the largest libraries; it is to be doubted whether all the authorities quoted are shelved together in more than half a dozen libraries on the continent. Now, thanks to the Carnegie Endowment and the editor, they are available in practically every county in the United States.

The first third of the work is devoted to a presentation in alphabetical order of the comments of the leading publicists on the armed neutralities, precisely and fully quoted, with frequent notes by the editor. Not only the long recognized authorities are included, but also such recent writers as the Norwegian Boye, writing in 1912. An explanatory biography of the author prefaces each extract. The remainder of the book is allotted to the publication of state papers, not easily available, dealing with the armed neutralities of 1780 and 1800. Neutral protests over captures, particularly the protests of Denmark and Sweden, with the replies of the British government, fill much of the space, and develop the opposing constructions of international law which finally led to the formation of the "leagues" of neutrals to enforce what they decided to be their rights. The treaties and formal acts of accession by neutrals to the principles of armed neutrality are published.

In addition to the documents dealing with the armed neutralities of 1780 and 1800 appears the treaty of March 27, 1794, between Sweden and Denmark, the effort of French diplomacy to start a back-fire in the face of the engulfing maritime policy set up by England in the coalition treaties of 1793 and the arbitrary Orders in Council of the years 1793 and 1794. The reader regrets, once this subject is touched, that an extract from only one of these several treaties of 1793 is published (the Anglo-Spanish convention of February 21). A good comprehension of the British naval-diplomatic system of 1793-1794 cannot be had without a perusal of the treaties with the other nations of the coalition. While the work was being done, it would have been most useful to include also a summary of these Orders in Council, with the protests of the neutrals and replies to the same, particularly because the diplomacy of the United States was so closely connected with the system. There is no mention of the invitation to the United States by the two Scandinavian powers to join their abortive armed neutrality of 1794,<sup>1</sup> nor of their failure to duplicate the agreements of 1780, for one reason because of the refusal of the United States to accept its first tempting invitation to join an entangling alliance. Any one who has read the English, French, and Scandinavian despatches of the years 1793-1800 will realize that the possibility of a counter-coalition in the shape of armed neutrality against Great Britain was the pole-star of French diplomacy as regarded England. The reader does not discover any of the documents indicating this, nor any notes explaining it, in this volume. It is certainly the introduction to the final consummation of the armed neutrality of 1800. Perhaps the specific title of the book, however, does not demand the inclusion of these state papers of 1793-1800.

S. F. BEMIS.

*Authority in the Modern State.* By HAROLD J. LASKI, sometime Exhibitioner of New College, Oxford; of the Department of History in Harvard University. (New Haven: Yale University Press; London: Humphrey Milford, Oxford University Press. 1919. Pp. 398. \$3.00.)

THIS work consists of five lengthy chapters, each subdivided into several topics or minor chapters. Chapter I., which gives its title to the book, is a sort of sequel to the author's earlier work *Studies in the Problem of Sovereignty*, and is to be followed by "a definitely constructive analysis of politics in the perspective set by the first chapter of this present volume". Chapters II., III., IV., are related studies giving expositions of the political theories, especially with reference to sovereignty, of Bonald, Lamennais, and Royer-Collard, French writers of the eighteenth and nineteenth centuries. The first writer, reacting against the

<sup>1</sup> See the article, "The United States and the Abortive Armed Neutrality of 1794", in this *Review*, XXIV. 26-47. ED.